

The Honorable Lauren King  
The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMAZON.COM, INC., a Delaware  
corporation; AMAZON.COM SERVICES LLC,  
a Delaware limited liability company; and THE  
THOUGHT & EXPRESSION CO., INC., a  
Virginia corporation,

Plaintiffs,

v.

AMANDEEP SINGH, an individual; and  
BHUSHAN KUMAR, an individual; and DOES  
1-10,

Defendants.

No. 2:24-cv-01464-LK-BAT

**DECLARATION OF SCOTT  
COMMERSON IN SUPPORT OF  
PLAINTIFFS' *EX PARTE* MOTION  
FOR ALTERNATIVE SERVICE**

I, Scott Commerson, declare and state as follows:

1. I am a Partner at the law firm Davis Wright Tremaine LLP, which represents Plaintiffs Amazon.com, Inc., Amazon.com Services LLC (collectively, "Amazon"), and The Thought & Expression Co. d/b/a Thought Catalog ("Thought Catalog," and with Amazon, "Plaintiffs") in the above-titled litigation. I am over 18 years of age. The statements made below are true to the best of my knowledge and belief. I make them in support of Plaintiffs' *Ex Parte* Motion for Alternative Service.

2. Both before and since filing the Complaint (Dkt.1), Plaintiffs have conducted substantial investigation into the following Amazon selling accounts through which Defendants

1 Amandeep Singh (“Singh”) and Bhushan Kumar (“Kumar”) (collectively, “Defendants”) sought  
 2 to advertise, market, sell, and distribute their infringing Thought Catalogue books: (1) Augstin  
 3 Retail, (2) Borning, (3) Smarktabs, and (4) Golden Store (collectively, the “Selling Accounts”).  
 4 These efforts include: (1) working with investigators in the United States and in India to research  
 5 information and documents that Defendants provided to Amazon when they registered their  
 6 Selling Accounts; (2) researching information about the Defendants in public and proprietary  
 7 databases; and (3) inspecting a physical address in India that was purportedly associated with  
 8 Defendant Kumar, as described below. This investigation revealed that Defendants sought to  
 9 evade Amazon’s seller verification processes by providing Amazon with misleading or  
 10 fraudulent identifying documents and information in connection with their Selling Accounts. The  
 11 investigation also indicated that Defendants likely reside at unknown locations in India.

12 3. In a further effort to identify and locate Defendants, on February 26, 2024,  
 13 Plaintiffs obtained account and transactions information from third party Payoneer Inc.  
 14 (“Payoneer”) related to virtual bank accounts that Defendants provided to Amazon when they  
 15 registered their Selling Accounts in order to receive and transfer proceeds from their sale of  
 16 products in the Amazon.com store (the “Amazon Store.”) Payoneer’s information revealed that  
 17 Singh registered Payoneer bank accounts linked to the Augstin Retail, Borning, and Smarktabs  
 18 Selling Accounts, and that Kumar registered a Payoneer bank account linked to the Golden Store  
 19 Selling Account.

20 4. The Payoneer information also disclosed a potential physical address for Singh:  
 21 1312 17th Street, Unit 2229, Denver, CO 80202. However, on August 22, 2024, Plaintiffs’  
 22 investigation determined that this address is a PostNet rental mailbox and is therefore unsuitable  
 23 for service of process. Plaintiffs’ investigators have been unable to identify any other known  
 24 address for Singh in India or elsewhere despite diligent efforts.

25 5. The Payoneer information disclosed a potential physical address for Kumar:  
 26 Ground Floor, House No 385 B, Gali No 6, Kh No 771 and 772, Block K, New Delhi, India  
 27 110037. In August 2024, Plaintiffs’ private investigators in India investigated this address,

1 physically inspected the residence located at this address, and interviewed a person at the  
2 residence who stated that a person other than Kumar resided at the address. Plaintiffs'  
3 investigators have been unable to identify any other known address for Kumar in India or  
4 elsewhere despite diligent efforts.

5         6.       The Payoneer information further disclosed that the overwhelming majority of IP  
6 addresses from which each Defendant accessed their respective Payoneer account traced back to  
7 India. The Payoneer information also showed that nearly all of the bank accounts linked to  
8 Singh's Payoneer account are with banks located in India, and that the sole bank account linked  
9 to Kumar's Payoneer account is with a bank located in India.

10       7.       Also disclosed in the information from Payoneer were the email addresses that  
11 Defendants Singh and Kumar used to register, access, and operate their respective financial  
12 accounts. Payoneer's production included the dates on which Defendants Singh and Kumar  
13 accessed and conducted transactions through those financial accounts. Relevant to this Motion,  
14 Payoneer's records demonstrate that Defendant Singh registered the following email address  
15 with Payoneer—goodwill.panorama@gmail.com—and last used it to access a Payoneer account  
16 and transfer funds on February 2, 2024. Payoneer's records also demonstrate that Defendant  
17 Kumar registered the following email address with Payoneer—  
18 surajaggarwaltraders2@gmail.com—and last used it to access a Payoneer account and withdraw  
19 funds on January 11, 2024.

20       8.       We believe Defendants' email addresses, listed below, are active. On October 21,  
21 2024, our law firm caused test emails to be sent to Defendants, via each of the email addresses  
22 listed below, which Defendants used to create and operate their respective Amazon or Payoneer  
23 accounts. These test emails apprised Defendants of the lawsuit and contained courtesy copies of  
24 the Complaint, the Civil Cover Sheet, and the Summonses. Our firm did not receive any error  
25 notices, bounce back messages, or other indications that the emails failed to deliver to the  
26 following email addresses registered to the following Defendants: Defendant Singh's registered  
27 email addresses, goodwill.panorama@gmail.com, retailagustin@gmail.com,

1 borningllc.panorama@gmail.com, and smarktabs.panorama@gmail.com; and Defendant  
2 Kumar's registered email addresses, surajaggarwaltraders2@gmail.com, and  
3 goldenstore.panorama@gmail.com.

4 9. Subject to the Court's permission, Plaintiffs will serve Defendants using an online  
5 service for service of process, RPost (www.rpost.com) that provides proof of authorship, content,  
6 delivery, and receipt to the following email addresses controlled by Defendants:

- 7 • Defendant Amandeep Singh: goodwill.panorama@gmail.com,  
8 retailagustin@gmail.com, borningllc.panorama@gmail.com, and  
9 smarktabs.panorama@gmail.com.
- 10 • Defendant Bhushan Kumar: surajaggarwaltraders2@gmail.com, and  
11 goldenstore.panorama@gmail.com.

12  
13 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
14 knowledge.

15  
16 EXECUTED this 24<sup>th</sup> day of October, 2024, at Los Angeles, California.

17  
18   
19 Scott Commerson